


00- *R* -1821

Entered - 9/14/00 - sb
CL 00L0571 - ALEXIS HOLMES

CLAIM OF: **DEBORAH JOHNSON**
through her attorney
Ramon Walls Palanca, Jr
149 S. McDonough Street
Suite 215
Jonesboro, Georgia 30236

For damages alleged to have been sustained as a result of an arrest on
May 19, 2000 at 2204 Peachtree Street, NW.

THIS ADVERSED REPORT IS APPROVED

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0571

Date: 11/01/00

Claimant /Victim: **DEBORAH JOHNSON**

BY: (ATTY:) Ramon Walls Palanca, Jr.

Address: 149 S. McDonough St., Suite 215 Jonesboro, Georgia 30236

Subrogation: Claim for Property loss \$ Bodily Injury \$ \$10,420.00

Date of Notice: 09/06/00 Method: Written, proper X Improper

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 05/19/00 Place: 2204 Peachtree Street, NW

Department Police Division:

Employee involved Officers T.M. Diggs, and C.A. Felton Disciplinary Action:

NATURE OF CLAIM: Claimant alleged that she sustained damages and injuries by Officers Diggs and Felton as a result of an arrest. However, a municipal corporation shall not be liable for the torts of policemen or other officers engaged in the discharge of the duties imposed on them by law as set forth in O.C.G.A § 36-33-3.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral

Pictures Diagrams Reports: Police X Dept Report Other X

Traffic citations issued: City Driver Claimant Driver

Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial

Improper Notice More than Six Months Other X Damages reasonable

City not involved Offer rejected Compromise settlement

Repair/replacement by Ins. Co. Repair/replacement by City Forces

Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01

Claims Manager:  Concur/date 11-5-00

Committee Action: Council Action

RAMON WALLS PALANCA, JR.
ATTORNEY AT LAW

JONESBORO: 149 S. McDONOUGH STREET,
SUITE 215, JONESBORO, GEORGIA 30236,
TEL. 678.467.2114.

MIDTOWN: 1518 MONROE DRIVE NE, ATLANTA,
GEORGIA 30324, TEL. 404.819.0466,
FAX 404.663.6701.

EMAIL RAMONPALANCA@YAHOO.COM

Wednesday, August 30, 2000

VIA CERTIFIED MAIL

Atlanta City Council
55 Trinity Avenue, S.W.
Suite 2900
Atlanta, Georgia 30335

Re: Anti-Litem Notice of Claim
My client: Ms. Deborah Johnson
Date of incident: May 19, 2000
Location: Wachovia Bank, 2204 Peachtree Rd NW, Atlanta, GA 30309

Dear Sir or Madam:

I represent Ms. Deborah Johnson in reference to her claim against the City of Atlanta for injuries to her wrists, arms, and/or shoulders. On May 19, 2000, Ms. Johnson and her cousin, Ms. Rena Drake, were falsely accused of committing check fraud, while they were trying to cash checks that were given to them by Ms. Drake's mother. There was a Mr. Aric Hunt who at the same time was arrested by the officers (please see Incident/CICA# 00-140-1297 enclosed). Ms. Johnson and Ms. Drake bear no relationship with Mr. Hunt. Ms. Johnson's and Ms. Drake's names were cleared at the bank, but only after considerable period detention in the back of the patrol car. During this detention, Ms. Johnson's hands were cuffed. The cuffs were placed on Ms. Johnson in a manner that caused her injury. Although she advised one or more of the officers that the cuffs were too tight, nothing was done to remedy the situation. Ms. Johnson was required to undergo medical treatment for her injuries.


I have not yet received a copy of Ms. Johnson's medical records and bills. However, I will provide a copy of said bills when they become available to me. It is my understanding that including physical therapy, the medical bills come to approximately \$2000.00. In the meantime, if you have any questions or concerns, please do not hesitate to give me a call.

Sincerely,


Ramon Walls Palanca, Jr.

Enclosure

00-12-1821

Holmes
09/13/00


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SEP - 6

09-06-00 00:09 RCVD